

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America

v.

Victor V. James

Crim. No. 4:09-cr-00073-TLW

ORDER

This matter is before the Court on Defendant Victor V. James' motion for early termination of his term of supervised release. ECF No. 1736. For the reasons that follow, James' motion is denied.

On June 8, 2010, James was sentenced to 168 months imprisonment followed by 10 years of supervised release as a result of his conviction of Conspiracy to Distribute 50 Grams or More of Cocaine Base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846, and 851 (Enhanced Penalties). ECF No. 77. On October 16, 2012, pursuant to a Rule 35(b) Motion, Mr. James' sentence was reduced to a total term of 138 months. All other provisions of the original judgment dated June 8, 2010, remained in effect. On July 2, 2015, pursuant to 18 U.S.C. § 3582(c)(2), Mr. James' sentence was reduced to 126 months. All other provisions of the original judgment dated June 8, 2010, remained in effect. James' supervision commenced on January 23, 2018 and is scheduled to expire on January 23, 2028.

James has presently moved for the early termination of his remaining term of supervised release. ECF Nos. 1736. A district court may terminate a defendant's term of supervised release if, in the case of a felony, the defendant has completed at

least one year of probation and, after considering the § 3553(a) factors, the Court “is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3564(c). In support of his request, James notes that he (1) is gainfully employed, (2) has a stable family life, and (3) has been a law-abiding citizen during his term of supervision. ECF Nos. 1736.

The Court finds it appropriate to deny James’ request for three reasons. First, the Court notes the seriousness of his instant federal conviction—Conspiracy to Distribute 50 Grams or More of Cocaine Base As noted in his Presentence Investigation Report (“PSR”), James was a significant drug dealer in Darlington County, SC, who dealt powder cocaine and crack cocaine since 2004. PSR ¶ 28, ECF No. 891. The PSR noted that James was held accountable for 1,623.7 grams of powder cocaine and 30 ounces of crack cocaine. *Id.* Second, in addition to the seriousness of the offense of conviction, a review of James’ criminal history reveals a prior record dating back to 1993 when James was 18 years of age. Given the severity of his prior record, he was classified as a career offender a sentencing based on two separate prior convictions for Burglary. *Id.* ¶¶ 33–51. Finally, despite his assertion that he is a law-abiding citizen, James has a history of failing to abide by the conditions of his supervision. In October 2022, James was placed on home confinement for 45 days after being arrested by the South Carolina Highway Patrol and charged with Driving Under the Influence, 1st offense. ECF No. 1740. Moreover, in November 2023, was placed on home confinement for 45 days after being arrested

by the South Carolina Highway Patrol and being charged by the Hartsville Police Department with Possession with Intent to Distribute Methamphetamine, 2nd Offense, and Driving Under the Influence, 2nd Offense. ECF No. 1744. Thus, after reviewing James' motion and the record before it, the Court concludes that the seriousness of the instant offense, James' criminal history, and his continued contact with law enforcement in violation of the conditions of his supervision counsel against terminating the remainder of his term supervised release.

At present, James has approximately four years of supervised release remaining, as his term of supervised release does not expire until January 2028. For the reasons stated, and after considering the § 3553(a) factors, the Court concludes that early termination of his term of supervised release is not warranted. James' motion, ECF No. 1736, is therefore **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

January 12, 2024
Columbia, South Carolina